

IC 12-23-14
Chapter 14. Court Established Alcohol and Drug Services
Program

IC 12-23-14-1

Sec. 1. A court having misdemeanor jurisdiction in a city or county may establish an alcohol and drug services program.
As added by P.L.2-1992, SEC.17.

IC 12-23-14-2

Sec. 2. The court may establish an alcohol and drug services program under the court's operation or under private contract.
As added by P.L.2-1992, SEC.17.

IC 12-23-14-3

Sec. 3. The court may establish uniform rules and may make special orders and rules as necessary.
As added by P.L.2-1992, SEC.17. Amended by P.L.168-2002, SEC.4.

IC 12-23-14-4

Sec. 4. Except as provided in section 5 of this chapter, an alcohol and drug services program and accompanying services and treatment facilities shall be open only to the individuals over whom the court has jurisdiction.
As added by P.L.2-1992, SEC.17.

IC 12-23-14-5

Sec. 5. The court may agree to provide the services and facilities of a program for individuals referred from another court, a probation department, the department of correction, the Federal Bureau of Prisons, or the division.
As added by P.L.2-1992, SEC.17.

IC 12-23-14-6

Sec. 6. (a) A program may provide for eligible individuals a range of necessary intervention services, including the following:

- (1) Screening for eligibility and other appropriate services.
- (2) Clinical assessment.
- (3) Education.
- (4) Referral.
- (5) Service coordination and case management.

(b) A program that is eligible under section 7 of this chapter may also provide a range of necessary treatment and rehabilitation services, including the following:

- (1) Emergency services.
- (2) Detoxification.
- (3) Counseling.
- (4) Rehabilitative care.

As added by P.L.2-1992, SEC.17. Amended by P.L.168-2002,

SEC.5.

IC 12-23-14-7

Sec. 7. A program may not provide direct treatment or rehabilitation services unless the program is certified by the division and the court determines that existing community resources are inadequate to respond satisfactorily to the demand for the services from the court.

As added by P.L.2-1992, SEC.17. Amended by P.L.122-1997, SEC.2.

IC 12-23-14-8

Sec. 8. Before an alcohol and drug services program may be established in a county, the court must do the following:

- (1) Have a written statement from the Indiana judicial center approving the establishment of the program and the plans for operation before the court may submit the petition to the legislative and appropriating body for approval.
- (2) Obtain the approval of the legislative and appropriating body from which the court derives the court's money.

As added by P.L.2-1992, SEC.17. Amended by P.L.122-1997, SEC.3.

IC 12-23-14-9

Sec. 9. The court must submit a petition for approval containing the following:

- (1) A full description of a proposed program.
- (2) A budget for the program, supported by statistics showing the total fines and costs collected by the court in the most recent year.
- (3) Details on the implementation of the program.
- (4) If the program is to be operated through a private contractor, a reference file on the contractor, including the contractor's most recent financial statement and statements of the qualifications of program staff associated with the contractor.

As added by P.L.2-1992, SEC.17.

IC 12-23-14-10

Sec. 10. (a) If the legislative and appropriating body approves an alcohol and drug services program and the operation through a private contractor, the court may direct the appropriate attorney to draft a contract governing the rights and duties of the contractor, the court, and the appropriating authority.

(b) The court is responsible for the administration of the program.

As added by P.L.2-1992, SEC.17.

IC 12-23-14-11

Sec. 11. The court may, subject to the approval of the legislative and appropriating body, appoint a full-time executive director of a program and assistants and clerks that are necessary.
As added by P.L.2-1992, SEC.17.

IC 12-23-14-12

Sec. 12. Program employees or contractors shall perform duties the court assigns, including the following:

- (1) Providing places for the program and the program's services.
- (2) Providing intervention, treatment, and rehabilitation services for eligible individuals.
- (3) Compiling information and statistics on the program's activities.
- (4) Reporting periodically to the court on program activities.

As added by P.L.2-1992, SEC.17. Amended by P.L.40-1994, SEC.45.

IC 12-23-14-13

Sec. 13. (a) As used in this section, "board" refers to the board of directors of the judicial conference of Indiana established under IC 33-13-14-2.

(b) As used in this section, "effective date" means the date established by the board after which minimum employment standards will be required for persons employed in court drug and alcohol programs.

(c) A program established under this chapter is subject to the regulatory powers of the Indiana judicial center established by IC 33-13-14-2.

(d) With regard to alcohol and drug services programs established under this chapter, the Indiana judicial center may do the following:

- (1) Ensure that programs comply with rules adopted under this section and applicable federal regulations.
- (2) Revoke the authorization of a program upon a determination that the program does not comply with rules adopted under this section and applicable federal regulations.
- (3) Make agreements and contracts with:
 - (A) another department, authority, or agency of the state;
 - (B) another state;
 - (C) the federal government;
 - (D) a state supported or private university; or
 - (E) a public or private agency;to effectuate the purposes of this chapter.
- (4) Directly, or by contract, approve and certify programs established under this chapter.
- (5) Require, as a condition of operation, that each program created or funded under this chapter be certified according to

rules established by the Indiana judicial center.

(6) Adopt rules to implement this chapter.

(e) The board shall adopt rules concerning standards, requirements, and procedures for initial certification, recertification, and decertification of alcohol and drug services programs.

(f) The board may adopt rules concerning educational and occupational qualifications needed to be employed by or to provide services to a court alcohol and drug services program. If the board adopts qualifications under this subsection:

(1) the board shall establish an effective date after which any person employed by a court alcohol and drug services program must meet the minimum qualifications adopted under this subsection; and

(2) the minimum employment qualifications adopted under this subsection do not apply to a person who is employed:

(A) by a certified court alcohol and drug program before the effective date; or

(B) as administrative personnel.

(g) The board may delegate any of the functions described in subsections (e) and (f) to the court alcohol and drug program advisory committee or the Indiana judicial center.

As added by P.L.2-1992, SEC.17. Amended by P.L.40-1994, SEC.46; P.L.122-1997, SEC.4; P.L.113-2001, SEC.2.

IC 12-23-14-14

Sec. 14. (a) The costs of an alcohol and drug services program established under this chapter shall be paid out of the city general fund or the county general fund and may be supplemented by payment from the user fee fund upon appropriation made under IC 33-19-8.

(b) The court shall fix the compensation of employees and contractors.

As added by P.L.2-1992, SEC.17.

IC 12-23-14-15

Sec. 15. A program may apply for and receive the following:

(1) Gifts, bequests, and donations from private sources.

(2) Grant and contract money from governmental sources.

(3) Other forms of financial assistance approved by the court to supplement the budget.

As added by P.L.2-1992, SEC.17.

IC 12-23-14-16

Sec. 16. (a) The court may require an eligible individual to pay a fee for a service of a program.

(b) If a fee is required, the court shall adopt by court rule a schedule of fees to be assessed for program services.

(c) The fee for program services may not exceed four hundred

dollars (\$400).

(d) A fee collected shall be deposited in the city or county user fee fund.

As added by P.L.2-1992, SEC.17. Amended by P.L.113-2001, SEC.3.

IC 12-23-14-17

Sec. 17. (a) The Indiana judicial center drug and alcohol programs fund is established for the purpose of administering, certifying, and supporting alcohol and drug services programs under this chapter. The fund shall be administered by the Indiana judicial center established under IC 33-13-14-2.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(c) Money in the fund at the end of the fiscal year does not revert to the state general fund.

As added by P.L.122-1997, SEC.5.

IC 12-23-14-18

Sec. 18. (a) As a condition of participation in an alcohol and drug services program, a participant may be required to undergo a chemical test or a series of chemical tests as specified by the program. A participant is liable for the costs of all chemical tests required under this section, regardless of whether the costs are paid to the court alcohol and drug services program or the laboratory.

(b) A laboratory that performs a chemical test under this section shall report the results of the test to the program.

As added by P.L.168-2002, SEC.6.

IC 12-23-14-19

Sec. 19. (a) A person does not have a right to participate in an alcohol and drug services program under this chapter.

(b) The director and members of the professional and administrative staff of an alcohol and drug services program who perform duties in good faith under this chapter are immune from civil liability for:

- (1) acts or omissions in providing services under this chapter; and
- (2) the reasonable exercise of discretion in determining eligibility to participate in an alcohol and drug services program.

As added by P.L.168-2002, SEC.7.

Provisions Related to Court A & D Programs

IC 12-7-2 Definitions

IC 12-7-2-12

Sec. 12. "Alcohol and drug services program", for purposes of IC 12-23, means a service for a person:

- (1) charged with or convicted of a misdemeanor or felony; or
- (2) against whom a:
 - (A) complaint for an infraction is filed; or
 - (B) judgment for an infraction is entered;

which provides intervention, education, referral, treatment, or rehabilitation, under the operation of a court or under private contract.

As added by P.L.2-1992, SEC.1. Amended by P.L.168-2002, SEC.1; P.L.80-2003, SEC.1.

IC 12-7-2-26.5

Sec. 26.5. "Chemical test", for purposes of IC 12-23-14 and IC 12-23-14.5, means an analysis of an individual's:

- (1) blood;
- (2) breath;
- (3) hair;
- (4) sweat;
- (5) saliva;
- (6) urine; or
- (7) other bodily substance;

to determine the presence of alcohol or a controlled substance (as defined in IC 35-48-1-9).

As added by P.L.168-2002, SEC.2.

IC 33-19-8

Chapter 8. Local User Fee Funds

IC 33-19-8-3

Sec. 3. (a) A city or town user fee fund is established in each city or town having a city or town court for the purpose of supplementing the cost of various program services. The city or town fund shall be administered by the fiscal officer of the city or town.

(b) The city or town fund consists of the following fees collected by a clerk under this article:

- (1) The pretrial diversion program fee.
- (2) The alcohol and drug services fee.
- (3) The law enforcement continuing education program fee.
- (4) The deferral program fee.
- (5) The drug court fee.

As amended by P.L.168-2002, SEC.11.

IC 33-19-8-5

Sec. 5. (a) A county user fee fund is established in each county for the purpose of financing various program services. The county fund shall be administered by the county auditor.

(b) The county fund consists of the following fees collected by a clerk under this article, and by the probation department for the juvenile court under IC 31-34-8-8 or IC 31-37-9-9:

- (1) The pretrial diversion program fee.
- (2) The informal adjustment program fee.
- (3) The marijuana eradication program fee.
- (4) The alcohol and drug services program fee.
- (5) The law enforcement continuing education program fee.
- (6) The deferral program fee.
- (7) The jury fee.
- (8) The drug court fee.

(c) All of the jury fee and two dollars (\$2) of every deferral program fee collected under IC 33-19-5-2(e) shall be deposited by the county auditor in the jury pay fund under IC 33-19-10.

As amended by P.L.168-2002, SEC.12.